

Statement of Ben Nighthorse Campbell
Chairman, Committee on Indian Affairs
Hearing on S.2508
The Colorado Ute Indian Water Rights Settlement Act of 2000
June 7, 2000

Good afternoon. Today the Committee will receive testimony on S.2508, *The Colorado Ute Indian Water Rights Settlement Act of 2000*, which I introduced on May, 2000. This legislation is borne of a compromise to a compromise and forged in the good will of those who have a stake in it, which include the Ute Tribes, the States of Colorado and New Mexico, the affected federal agencies, and advocates of a just settlement. Congress has already given the tribes 52 million dollars. The state of Colorado has spent 30 million, with millions more spent by New Mexico as part of the 1988 Ute Indian Water Rights Settlement Act.

The history of this unfulfilled legislation is as shameful as it is well-known. For more than 10 years numerous environmental studies, just a fraction of which are on display here, have concluded that by substantially reducing the water diverted and stored by the Animas La Plata Project, we can fulfill our treaty obligations to the Ute Tribes AND not violate any federal laws or environmental standards. More than 2 years ago, numerous stakeholders in this project reached an accord to this effect after prolonged negotiations.

In doing so, the Ute Tribes agreed to a *substantial modification* of their rights and obligations under the 1986 Settlement Agreement and 1988 Settlement Act to make this proposal work. What started out as a 750 million dollar project has been cut by 2/3rds.

You would think that common sense dictates that if an agreement is reached based on several decades of environmental reports *with* the agreement to scale back the project, then the project's completion and implementation of the law would be made easier, not harder. I want to

believe all of the parties involved with the negotiations of this project did so in good faith. We shall soon find out if that is the case.

If it turns out not to be the case, then unfortunately it looks like our nation's environmental laws really are just another tool for those who oppose development in any form to frustrate and delay projects - and in this case treaties - that they do not like. If this is so, all the worst fears of Indian people and all Americans who suspect the integrity, honesty and ability of our American government to act honorably will be validated. This is especially troubling because this bill embodies significant effort and good will of two Indian tribes attempting to secure water for their present and future needs. The tribes have retreated over and over. They can retreat no more.

I remain hopeful that common sense *and basic American respect for the dignity and honor of our obligations will prevail* and in the process the rights of the Ute Tribes will be vindicated without further frustration or frivolous delay. It is more urgent than ever to reach an agreement on this project. As of the beginning of this year, in accordance with the 1988 Act, the tribes have the right to sue to enforce their water rights. If we take much longer, the tribes may have no other choice.

My bill represents the last opportunity for we as a nation to do the right thing by honoring our treaty obligations in a manner that is as environmentally and fiscally respectful of reality as is possible, as well as avoid protracted and costly litigation.